



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: September 30, 2014
Applicant: Verizon Wireless–Chula Vista Downtown
Case No.: PCC-13-030
Address: Frederica Manor, 183 Third Avenue (APN 566-240-27-00)
Project Planner: Richard Zumwalt, AICP

Notice is hereby given that on September 30, 2014 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-030, filed by Verizon Wireless (“Applicant”). The Applicant requests a CUP to renew an existing approved wireless telecommunications facility consisting of six (6) antennas mounted on a stairway enclosure building, and one equipment enclosure, located on the roof the existing 7-story Frederica Manor senior housing building, and the replacement of one existing antenna. The building is located on the north side of Frederica Parkway west of the intersection of Third Avenue and Frederica Parkway. The subject property is designated as Public-Quasi Public (PQ) in the Chula Vista General Plan and is zoned R-3 Apartment Residential. (“Project”) The Project is more specifically described as follows:

The existing wireless telecommunications facility includes six antennas which are 47.4 inches high by 11.2 inches wide by 5.2 inches deep, and one 9 ft. high, 321 - square foot equipment enclosure. Also proposed is the removal and replacement of one antenna and construction of electrical conduit. The proposed replacement antenna is 20.7 inches wide by 53.7 inches high by 7.1 inches deep. No emergency generator is proposed. The wireless facility is designed as a stealth facility, where the existing and proposed antennas are mounted on the south, east and west sides of the stairway enclosure building on the roof. The antennas are painted to blend with the color of the building.

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. The project qualifies for a Class 1 exemption because there are no proposed changes to the existing facility. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030 A and 19.89 of the Chula Vista Municipal Code, has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

The proposed use is necessary and desirable because it will improve wireless communication as a public convenience by providing essential communication and improved, uninterrupted service to the surrounding area of its location. The proposed use will not interfere with any existing activities or conveniences of the public, and will contribute to the general well-being of the community by ensuring uninterrupted wireless service for the nearby communities

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The use will provide enhanced wireless communication reliability in the user's coverage area. In the event of an emergency or natural disaster, the use will be able to continue to function, which can help to enhance the general health, safety, and welfare of the citizens of Chula Vista. The facility will be monitored remotely and maintained monthly by the applicant's service technicians, therefore any potential impact to the site or surrounding area will be minimized. The Project requires approval of a building permit for the construction of the replacement antenna, which will be subject to compliance with the California Building, Electrical, Mechanical, Fire and other applicable codes, and therefore any potential public safety issues will be addressed during the building permit review process.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

Granting of this conditional use permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, including the City's Wireless Ordinance, for such use. These include (but are not limited to) co-location on-site with other wireless users, and compliance with design standards such as height, stealth technology and design, and visual integration of antennas. These conditions will be enforced through building permit review, inspections prior to final occupancy of the use, and subsequent to operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-13-030.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The integration of wireless facilities with existing uses helps to achieve General Plan Objective, Public Facilities and Services Element (PFS) 24.2, of reviewing new telecommunications facilities and request siting and design techniques that maximize benefits and minimize community impacts.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-030, as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirements:

1. The Project Site shall be developed and maintained in accordance with the approved PCC-13-030 plans, which include the site plans and elevations dated August 5, 2014, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/representative

Date

3. The applicant shall apply for the required building permits to replace the existing antenna and construct electrical conduit. Permits shall comply with applicable codes and requirements, including but not limited to: the current 2013 California (Ca.) edition of Building Code (CBC), 2013 Ca. Mechanical Code, 2013 Ca. Plumbing Code, 2013 Ca. Electrical Code, 2013 Ca. Fire Code (CFC), 2008 Energy Code, and 2013 Green Building Code as adopted and amended by the State of California and the City of Chula Vista.

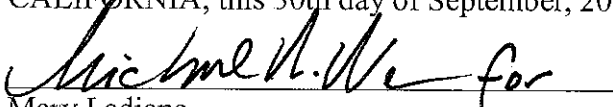
II. The following on-going conditions shall apply to the Project as long as it relies upon this approval:

4. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.

5. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, City's Wireless Ordinance and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
6. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
7. The Applicant shall cooperate with telecommunications companies in co-locating additional antennas on subject property provided said co-locators have received a Conditional Use Permit for such use at said site from the City. Applicant shall exercise good faith in co-locating with other communications companies and sharing the permitted site, provided such shared use does not give rise to a substantial technical level-or quality-of-service impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether Applicant has exercised good faith in accommodating other users, the City may require a third party technical study at the expense of the Applicant.
8. Within 90 days of cessation of the business operations and use of the antennas, the Applicant shall submit a substitute user to the satisfaction of the Development Services Director and/or remove the Project and all associated equipment from the Project Site. If the facility is removed, then the Applicant shall restore the Project Site to its original condition. Any changes on this Conditional Use Permit shall require a modification to be reviewed by the Zoning Administrator.
9. The Applicant/Representative and Property Owner shall and do hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
- 10 Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

11. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
12. This conditional use permit shall expire on September 30, 2024, ten (10) years from the date of this Zoning Administrator approval. The Applicant may request an extension 30 days prior to expiration date from this conditional use permit approval. The Zoning Administrator shall review this use for compliance with the conditions of approval and any applicable codes and regulation, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied or extended.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 30th day of September, 2014.


Mary Ladiana
Zoning Administrator